

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
International Bureau Invites Comment on)	IB Docket No. 07-23
Proposal to Remove Certain Non-U.S.-)	DA 07-100
Licensed Satellites From the Exclusion List)	
for Global International Section 214)	
Authorization Purposes)	

Reply Comments of Mobile Satellite Ventures Subsidiary LLC

Mobile Satellite Ventures Subsidiary LLC (“MSV”) hereby files these Reply Comments in the above-referenced proceeding in which the International Bureau (“Bureau”) is proposing to remove from the Section 214 Exclusion List all foreign-licensed satellites that have been permitted to enter the United States market pursuant to the Commission’s *DISCO II Order*.

While MSV supports this proposal, it noted that the Bureau should make three important clarifications: (i) a foreign-licensed satellite permitted to provide service in the United States only pursuant to Special Temporary Authority (“STA”) prior to a *DISCO II* analysis will remain on the Exclusion List; (ii) an alleged “replacement” for a previously authorized foreign-licensed satellite will be placed on the Section 214 Exclusion List and will remain there unless and until the Bureau finds that operation of the satellite serves the public interest under *DISCO II*; and (iii) a foreign-licensed satellite previously authorized to provide service in the United States pursuant to *DISCO II* that is moved to a new orbital location will be placed back on the Section 214 Exclusion List and will remain there unless and until the Bureau finds that operation of the satellite at the new orbital location serves the public interest under *DISCO II*.

In its Comments, Inmarsat Ventures Limited (“Inmarsat”), a foreign-licensed satellite operator, demonstrates the need for the Bureau to make these important clarifications. Inmarsat

characterizes as “redundant” the requirement for a Section 214 holder to modify its authorization in order to operate with a “replacement” for a previously authorized foreign-licensed satellite.¹

As Inmarsat has demonstrated in the case of its Inmarsat 4F2 satellite, however, a satellite that is alleged to be a “replacement” satellite may be technically different than the satellite it is purportedly replacing, requiring the Bureau to assess interference and spectrum management concerns under *DISCO II* prior to authorizing the satellite for service in the United States.² Similarly, Inmarsat suggests that the Commission need only consider the “issues presented by given spacecraft only once.” *Inmarsat Comments* at 3. In fact, as Inmarsat has demonstrated in the case of its Inmarsat 3F4 satellite, moving a previously authorized satellite to a new orbital location may raise serious interference and spectrum management concerns under *DISCO II*. *MSV Comments* at 5-6, 9-10. Treatment of such replacement or relocated foreign-licensed satellites as permitted facilities for purposes of a Section 214 authorization would unduly prejudice the outcome of the Bureau’s *DISCO II* analysis for the satellite and will lead to customer confusion if the Bureau ultimately finds that the satellite fails the *DISCO II* criteria.

MSV notes that these clarifications would not be necessary if Inmarsat were to coordinate with other operators prior to operating an alleged “replacement” satellite for service in the United States and prior to moving a previously authorized satellite to a new orbital location. Indeed, foreign-licensed operators generally coordinate with other affected operators and may receive prior approval from the Commission before taking such actions.³ Unfortunately, Inmarsat has

¹ Comments of Inmarsat Ventures Limited, IB Docket No. 07-23 (April 6, 2007) (“*Inmarsat Comments*”).

² Comments of Mobile Satellite Ventures Subsidiary LLC, IB Docket No. 07-23 (April 6, 2007) (“*MSV Comments*”), at 4-5, 9.

³ See, e.g., *European Telecommunication Satellite Organization, Order*, 16 FCC Rcd 15961 (Deputy Chief, Satellite and Radiocommunication Division, August 30, 2001) (granting pre-launch approval to add replacement satellites to the Permitted List; noting that satellites were

adopted the practice of launching new satellites for service in the United States and relocating previously authorized satellites without coordinating those satellites with other operators, thereby raising serious interference and spectrum management concerns under *DISCO II*. MSV fully supports the Bureau's efforts to streamline the Section 214 process, but Inmarsat's practices require the clarifications noted in MSV's Comments.

Respectfully submitted,

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Dated: April 16, 2007

coordinated with affected operators); *New Skies Satellite N.V., Order*, DA 02-1256 (Chief, Satellite Division, International Bureau, May 28, 2002), at ¶¶ 9, 23-25 (granting prior approval to relocate satellite on the Permitted List (NSS-5) to a new orbital location after conducting *DISCO II* analysis and after finding that satellite was coordinated with affected operators). The Commission requires foreign-licensed satellites on the Permitted list to obtain approval for replacement and modified satellites. *See Amendment of the Commission's Space Station Licensing Rules and Policies; Mitigation of Orbital Debris, Report and Order*, 18 FCC Rcd 10760, ¶¶ 320, 323 (May 19, 2003).

CERTIFICATE OF SERVICE

I, Sylvia A. Davis, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that on this 16th day of April 2007, I served a true copy of the foregoing by first-class United States mail, postage prepaid, upon the following:

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